

ORIGINAL

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JAMES N. HATTEN, Clerk
By: *Arthur J. Smith* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA

v.

PETER OLUWATOBI OLUDELE,
ALLWELL JOHN IBAMA,
UZOAMAKA J. UGWU

Criminal Indictment

No. **1 21 - CR - 054**

THE GRAND JURY CHARGES THAT:

Count One

1. Beginning on or about April 30, 2020 and continuing through on or about December 14, 2020, in the Northern District of Georgia and elsewhere, defendant(s), PETER OLUWATOBI OLUDELE ("OLUDELE"), ALLWELL JOHN IBAMA ("IBAMA") and UZOAMAKA J. UGWU ("UGWU"), did knowingly and willfully combine, conspire, confederate, agree and have a tacit understanding with each other, and others known and unknown to the Grand Jury, to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises, and for the purpose of executing such scheme and artifice, to transmit and cause to be transmitted, by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, in violation Title 18, United States Code, Section 1343.

BACKGROUND

At all times relevant to this indictment:

U.S. Department of Labor, Employment and Training Administration

2. The U.S. Department of Labor, Employment and Training Administration is the federal agency that provides oversight in the Federal-State Unemployment Insurance Program, which provides unemployment benefits to eligible workers who are unemployed through no fault of their own as determined under state law and who meet other state eligibility requirements. Unemployment Insurance (“UI”) payments, also known as benefits, are intended to provide temporary financial assistance.

3. Eligibility for unemployment insurance, benefit amounts, and the length of time benefits are available are determined by the state law under which unemployment insurance claims are established. In general, benefits are based upon a percentage of an individual’s earnings over a recent 52-week period – up to a state-established maximum amount. Benefits can be paid for a maximum of 26 weeks in most states.

Illinois Department of Employment Security

4. The Illinois Department of Employment Security (“IDES”) is the state agency that oversees the UI program in the State of Illinois. Through this agency, UI benefits may be issued to Illinois residents who are unemployed because of a nationwide pandemic, such as the COVID-19 pandemic.

5. In general, a person seeking UI benefits through the IDES must complete an online application that includes, among other things, the Claimant’s name, date

of birth, social security number, and the reason why the Claimant is unemployed.

6. In the State of Illinois, a Claimant who is eligible to receive benefits can opt to receive payments by direct deposit or debit card. The benefit payments are typically deposited into the Claimant's specified bank account within two business days after the Claimant certifies for benefits. Claimants will automatically receive their unemployment insurance benefits by debit card unless they register for direct deposit. The card will be mailed to the Claimant, and the benefit payment amount will be downloaded onto the card approximately two business days after the Claimant certifies for benefits with IDES. The card is administered jointly by a major bank card issuer and IDES.

Ohio Department of Job and Family Services

7. The Ohio Department of Job and Family Services ("ODJFS") is the state agency that oversees the UI program in the State of Ohio. Through this agency, UI benefits may be issued to Ohio residents who are unemployed because of a nationwide pandemic, such as the COVID-19 pandemic.

8. In general, a person filing a UI claim can do so online or by telephone. The application includes, among other things, the Claimant's name, date of birth, social security number, and the reason why the Claimant is unemployed.

9. In the State of Ohio, ODJFS offers two methods of payment for unemployment benefits. When a Claimant files his or her application, the Claimant can choose to have benefits paid by direct deposit or by debit card. For direct deposit, the Claimant must provide his or her bank's name, complete

address, account type, routing number and account number. If a Claimant does not select direct deposit, the Claimant will be paid by a U.S. Bank ReliaCard Visa debit card.

Massachusetts Department of Unemployment Assistance

10. The Massachusetts Department of Unemployment Assistance (“MADUA”) is the state agency that oversees the UI program in the State of Massachusetts. Through this agency, UI benefits may be issued to Massachusetts residents who are unemployed because of a nationwide pandemic, such as the COVID-19 pandemic.

11. In general, a person filing a UI claim can do so online or by telephone. The application includes, among other things, the Claimant's name, date of birth, social security number, and the reason why the Claimant is unemployed.

12. In the State of Massachusetts, MADUA offers two methods of payment for unemployment benefits. The Claimant can choose to have benefits paid by direct deposit or by debit card. For direct deposit, the Claimant must provide his or her social security number, the routing number, and the bank account number. If a Claimant does not select direct deposit, the Claimant will be paid by a MADUA Debit MasterCard.

The Employment Security Department of Washington State

13. The Employment Security Department of Washington State (“ESDWA”) is the state agency that oversees the Unemployment Insurance program in Washington State. Through this agency, unemployment benefits may be issued

to Washington residents who are unemployed because of a nationwide pandemic, such as the COVID-19 pandemic.

14. In general, a person seeking unemployment benefits through the ESDWA must complete an online application that includes, among other things, the Claimant's name, date of birth, social security number, and the reason why the Claimant is unemployed.

15. In Washington, unemployment compensation funds are issued in the form of a direct deposit into the Claimant's designated bank account or the issuance of a pre-paid debit card account.

The CARES Act

16. On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security ("CARES") Act. This legislation provides emergency assistance and health care response for individuals, families, and businesses affected by the COVID-19 pandemic.

17. Section 2102 of the CARES Act creates a new temporary federal program called Pandemic Unemployment Assistance ("PUA") that provides up to 39 weeks of unemployment benefits and funding to states for the administration of the program. An individual receiving PUA benefits may also receive a \$600 weekly benefit in federal funds under the Federal Pandemic Unemployment Compensation ("FPUC") program if he or she is eligible for such compensation for the week claimed.

18. The CARES Act was designed to mitigate the economic effects of the COVID-19 pandemic in a variety of ways. The CARES Act includes a provision

of temporary benefits for individuals who have exhausted their entitlement to regular UI payments, as well as coverage for individuals who are not eligible for regular UI payments and are self-employed or have limited recent work history. These individuals may also include certain gig economy workers, clergy and those working for religious organizations who are not covered by regular UI benefits, and other workers who may not be covered by the regular UI program under some state laws.

SCHEME AND ARTIFICE TO DEFRAUD

19. It was part of the scheme that co-conspirators electronically submitted to IDES, MADUA, ODJFS, and ESDWA applications for UI benefits and PUA payments that fraudulently listed the name, date of birth and social security number for persons without their knowledge and consent.

20. It was part of the scheme that, on or about April 30, 2020 and May 12, 2020, defendant UGWU electronically provided to defendant OLUDELE the bank account number and information for Bank of America bank account ending in 0449. On or about May 19, 2020, defendant IBAMA electronically provided to defendant OLUDELE the bank account number and information for Wells Fargo bank account number ending in 9088. Defendant OLUDELE electronically provided the bank account information to other co-conspirators who submitted the account information to state agencies for the direct deposit of UI benefits and PUA payments.

21. It was part of the scheme for defendant UGWU and defendant IBAMA to advise defendant OLUDELE when funds were deposited into the

bank accounts. On some occasions, the conspirators electronically sent to defendant OLUDELE images depicting a bank website that displayed the deposit of UI and PUA funds.

22. It was part of the scheme for co-conspirators to withdraw UI benefits and PUA payments from the bank accounts by making ATM cash withdrawals and transferring funds into other accounts, among other things.

23. It was also part of the scheme that co-conspirators provided Green Dot debit card account numbers to the state agencies for the direct deposit of UI benefits and PUA funds.

24. It was part of the scheme that co-conspirators, including defendants OLUDELE and IBAMA, obtained Green Dot debit cards containing UI and PUA funds. The co-conspirators withdrew and caused to be withdrawn UI and PUA funds from those cards by making cash withdrawals from ATMs and making various purchases, among other things.

All in violation of Title 18, United States Code, Section 1349.

Counts Two through Eleven

25. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 2 through 24 of this Indictment as if fully set forth herein.

26. On or about the dates below, in the Northern District of Georgia and elsewhere, the defendants, PETER OLUWATOBI OLUDELE, ALLWELL JOHN IBAMA and UZOAMAKA J. UGWU, aided and abetted by each other and others known and unknown to the Grand Jury, with the intent to defraud,

knowingly devised and intended to devise a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission of material facts, well knowing and having reason to know that said pretenses were and would be false and fraudulent when made and caused to be made and that said omissions were and would be material, and, in so doing, caused to be transmitted by means of wire communication in interstate and foreign commerce the writings, signs, signals, pictures, and sounds described below:

Count	Date (On or About)	Description of Wire
Two	April 30 2020	Defendant UGWU sent an electronic communication to defendant OLUDELE that contained the routing number and bank account number for Bank of America bank account ending in 0449, opened in Lawrenceville, Georgia.
Three	May 4, 2020	Defendant OLUDELE sent an electronic communication to a co-conspirator that contained the routing number and bank account number for Bank of America account ending in 0449.
Four	May 19, 2020	Defendant IBAMA sent an electronic communication to defendant OLUDELE that contained the routing number and bank account number for Wells Fargo bank account ending in 9088 opened in Richmond, Texas.
Five	May 19, 2020	Defendant OLUDELE sent an electronic communication to a co-conspirator that contained the routing number and bank account number for Wells Fargo account ending in 9088.

Six	May 20, 2020	MADUA deposited CARES Act funds in the name of T. C. into Bank of America bank account ending in 0449 totaling \$13,180.
Seven	May 21, 2020	Defendant OLUDELE sent an electronic communication to IBAMA advising that “9095” was going into the account.
Eight	May 21, 2020	Defendant IBAMA sent an electronic communication to defendant OLUDELE that contained an image showing the deposit Unemployment Compensation funds in the name of D. R. into Wells Fargo bank account ending in 9088 totaling \$9,095.
Nine	May 22, 2020	ESDWA deposited unemployment benefits in the name of C. H. into Bank of America bank account ending in 0449 totaling \$1,390.
Ten	May 22, 2020	ESDWA deposited unemployment benefits in the name of K. F. into Bank of America bank account ending in 0449 totaling \$1,210.
Eleven	May 22, 2020	IBAMA sent an electronic communication to OLUDELE advising that MADUA deposited Cares Act funds into Wells Fargo bank account ending in 9088 totaling \$12,732.

In violation of Title 18, United States Code, Section 1343 and Section 2.

Count Twelve

27. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 2 through 24 of this Indictment as if fully set forth herein.

28. Beginning on or about April 30, 2020 and continuing through on or about December 14, 2020, in the Northern District of Georgia and elsewhere, defendant(s), PETER OLUWATOBI OLUDELE, ALLWELL JOHN IBAMA and UZOAMAKA J. UGWU, did knowingly combine, conspire, and agree with each

other and with other persons known and unknown to the Grand Jury, to conduct and attempt to conduct financial transactions affecting interstate commerce and foreign commerce, which transactions involved the proceeds of specified unlawful activity, that is, Wire Fraud, knowing that the transactions were designed in whole or in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of specified unlawful activity, and that while conducting and attempting to conduct such financial transactions, knew that the property involved in the financial transactions represented the proceeds of some form of unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i); all in violation of Title 18, United States Code, Section 1956(h).

Counts Thirteen through Eighteen

29. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 2 through 24 of this Indictment as if fully set forth herein.

30. On or about the dates listed below, in the Northern District of Georgia and elsewhere, defendant(s), PETER OLUWATOBI OLUDELE, aided and abetted by others unknown to the Grand Jury, knowingly transferred, possessed and used, without lawful authority, a means of identification of another person, that is, the name, date of birth and social security number for the actual person listed below, during and in relation to a Conspiracy to Commit Wire Fraud as charged in Count One of this Indictment:

Count	Date Application for UI/PUA Benefits Electronically Submitted to State Agency	Name listed on the Application	State Agency Receiving Application
Thirteen	May 16, 2020	T. C.	The Massachusetts Department of Unemployment Assistance
Fourteen	May 19, 2020	S. P.	The Massachusetts Department of Unemployment Assistance
Fifteen	June 17, 2020	H. P.	The Ohio Department of Job and Family Services
Sixteen	July 5, 2020	E. G.	Illinois Department of Employment Security
Seventeen	July 5, 2020	E. L.	Illinois Department of Employment Security
Eighteen	July 6, 2020	M. T.	Illinois Department of Employment Security

in violation of Title 18, United States Code, Section 1028A and Section 2.

FORFEITURE

31. Upon conviction of one or more of the offenses alleged in Counts One through Eleven of this Indictment, defendants, PETER OLUWATOBI OLUDELE, ALLWELL JOHN IBAMA and UZOAMAKA J. UGWU, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(A), any property constituting, or derived from, proceeds obtained, directly or indirectly, as the result of said violation(s), including, but not limited to, the following:

MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Counts One through Eleven of this Indictment.

32. Upon conviction of Count Twelve of this Indictment, the defendants, PETER OLUWATOBI OLUDELE, ALLWELL JOHN IBAMA and UZOAMAKA J. UGWU, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property, including, but not limited to, the following:


MONEY JUDGMENT: A sum of money in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in Count Twelve of this Indictment.

33. If, as a result of any act or omission of the defendants, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to

seek forfeiture of any other property of the defendants up to the value of the forfeitable property.

A  BILL

FOREPERSON

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